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9 NATIONAL RAILROAD PASSENGER  
10 CORPORATION dba AMTRAK and JOE DEELY

11 UNITED STATES DISTRICT COURT  
12  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 JOHN EARL CAMPBELL

16 Plaintiff,

17 v.

18 NATIONAL RAILROAD PASSENGER  
19 CORPORATION dba AMTRAK, JOE DEELY  
20 and DOES 1-10 inclusive,  
21 Defendants.

Case No. C05-05434 MJJ

**DECLARATION OF SUSAN  
VENTURELLI IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT, OR IN THE  
ALTERNATIVE, PARTIAL  
SUMMARY JUDGMENT**

DATE: May 8, 2007  
TIME: 9:30 a.m.  
DEPT: 11

22 I, Susan Venturelli, declare:

23 1. I am currently employed by NATIONAL RAILROAD PASSENGER  
24 CORPORATION dba AMTRAK as the Human Resources Officer in the Pacific Division. In my  
25 position, I am partly responsible for disseminating Amtrak's EEO and other personnel policies.  
26 As such, I have personal knowledge of Amtrak's personnel policies and procedures that were in  
27 place during Mr. Campbell's employment. What information is not personally known by me, I  
28 can attest to based upon my information and belief gained by a review of Amtrak's policies,  
procedures, agreements, personnel records, and documents maintained in the normal course of  
business.

2. I also am responsible for recruitment for Amtrak job vacancies, both for internal

1 and external applicants. My recruitment duties include screening applications and resumes,  
2 interviewing applicants, contributing to the selection process, and issuing offer letters.

3 3. Every year, Amtrak's President disseminates a reaffirmation notice to employees  
4 regarding Amtrak's EEO Policy. Attached hereto as Exhibit A is a true and correct copy of  
5 Amtrak's current notice titled "Equal Employment Opportunity Policy Reaffirmation." This  
6 notice reaffirms Amtrak's commitment to ensuring that all employment related decisions are  
7 made in a nondiscriminatory manner. This notice also makes clear that Supervisors are to act in  
8 conjunction with Amtrak's EEO policies and are "individually responsible for supporting and  
9 implementing Amtrak's policies."

10 4. Starting in January 1995, Amtrak revised its Rules of Conduct booklet which was  
11 retitled "Standards of EXCELLENCE an explanation of Amtrak's goals, values and  
12 expectations." Since 1995, the booklet was (and still is) given to each new employee. Attached  
13 hereto as Exhibit B are true and correct copies of pertinent excerpts from the Standards, in which  
14 Amtrak discusses its anti-harassment policy and states, "we will not tolerate discrimination or  
15 harassment of any kind by our employees toward our customers or co-workers." During Mr.  
16 Campbell's employment with Amtrak, employees were given a copy of these policies, which they  
17 acknowledged. Attached hereto as Exhibit C is a true and correct copy of the policies that were in  
18 effect during the time Mr. Campbell was an employee at Amtrak and for which Mr. Campbell  
19 acknowledged receiving.

20 5. Since the 1970s, Amtrak has maintained and disseminated to employees a  
21 handbook describing its formal internal procedure for reporting and responding to EEO  
22 complaints. When Mr. Campbell was hired, Amtrak's 1994 handbook titled "EEO Internal  
23 Complaint Procedures Handbook" was made available to all employees. Attached hereto as  
24 Exhibit D is a true and correct copy of the April 1994 Handbook, which is still in effect. This  
25 handbook explains how an employee filed an EEO complaint. It has separate sections explaining:  
26 the purpose of the internal complaint procedure; who may file an internal complaint; where to  
27 file; when to file; and how the internal complaint procedure worked. It also discusses Amtrak's  
28 commitment to addressing any complaints. The handbook explains that the EEO office is not

1 intended to handle labor grievances or personnel practice complaints and that those complaints  
2 should be directed to the Labor Relations or Personnel Departments. It encourages employees to  
3 file as soon as possible, and no longer than a year after the occurrence of an event. It explains  
4 that the EEO representative will investigate the allegation and corrective action will be taken as  
5 necessary and appropriate.

6 6. In addition, Amtrak has a separate Dispute Resolution Office that has the primary  
7 responsibility and authority to investigate an EEO complaint brought by a current Amtrak  
8 employee.

9 7. Amtrak has maintained an Affirmative Action/Equal Employment Opportunity  
10 policy as part of its corporate procedures since the Company's inception in 1971. Attached  
11 hereto as Exhibit E is a true and correct copy of this policy, which was in effect during Mr.  
12 Campbell's employment. It states the purpose of this section of the Procedures Manual is to  
13 "establish a policy and employment environment which ensures fair and equitable treatment of all  
14 applicants and employees." It also discusses Amtrak's managers' and supervisors'  
15 responsibilities to ensure that all personnel actions and employment decisions are administered  
16 without regard to race. It also discusses the internal complaint resolution process and how  
17 Amtrak has put this in place as part of its good faith attempt to comply with Title VII. During  
18 Plaintiff's employment with Amtrak, the company complied with all required federal and state  
19 postings regarding discrimination/harassment.

20 8. As part of my recruitment responsibilities, I routinely enforce the Amtrak policy  
21 that internal candidates for promotion to Locomotive Engineer Trainee must have worked for the  
22 company for at least one year within their craft. The "one year rule" is a widely known and  
23 strictly enforced policy, and I routinely disqualify applicants on that basis.

24 9. Applicants for promotion to the Locomotive Engineer Trainee position from the  
25 Conductor position cannot take advantage of any bid or seniority rights. In other words, seniority  
26 is not considered. Applicants to the Locomotive Engineer Trainee position are evaluated on the  
27 basis of the applicant's interview score, safety record, discipline record, job experience, and  
28 managers' recommendations.

1           10. It is my understanding that Mr. Campbell is inaccurately claiming that Brice  
2 Carroll, Moyse Howard, and Jason Garman were promoted to Engineer within one year of their  
3 employment. My review of personnel records refutes that. Instead, my review of personnel files  
4 reveals the following: Brice Carroll was not selected to become and Engineer Trainee until he  
5 was employed for one and a half years - Mr. Carroll is non-Caucasian; Mr. Howard has worked at  
6 Amtrak since 1994 and has never been promoted to Engineer - Mr. Howard is African American;  
7 and, Mr. Garman has worked for Amtrak since 1999 and was promoted to Engineer Trainee in  
8 January 2004.

9           11. Amtrak's HR department utilizes a computer tracking system to track, among  
10 other things, the recruitment information of its employees. The system is called the "SAP  
11 system," and contains information of all the applications that an employee has made over the  
12 course of his/her employment since the system was implemented in the fourth quarter of the year  
13 2000.

14           12. My review of the SAP system reveals that Mr. Campbell has applied for two  
15 promotions to the Locomotive Engineer Trainee position during his employment with Amtrak, at  
16 least since end of fourth quarter of the year 2000. The first was for Job Requisition #50131788.  
17 That job recruitment was handled by my counterpart currently in Los Angeles - Paul Ho. It is  
18 consistent with my experience recruiting for Amtrak that an employee with serious safety or rules  
19 violations or discipline is disqualified as an applicant for the position of Engineer Trainee.

20           13. I have reviewed the list of applicants for three Job Requisition postings for  
21 Locomotive Engineer Trainee in the year 2000: OAK0315, OC0031, and 50117308. My review  
22 of the applicants for those postings reveals that Mr. Campbell did not apply for any of them.

23           14. There was a Job Requisition posting in the year 2002 on October 16, 2002 for  
24 Locomotive Engineer (Re-entry), No. 50156181. A qualified applicant for the position must be a  
25 currently qualified Class I Engineer with a major railroad company. Mr. Campbell was not a  
26 qualified Class I Engineer and thus he would not have been considered for the position.

27           15. The only other promotion application Amtrak's SAP system reveals for Mr.  
28 Campbell is for Job Requisition No. 50178956, Passenger Engineer Trainee, posted on May 10,

1 2004. Although similar positions were posted for Sacramento and San Jose, Mr. Campbell  
2 applied for the Oakland position only. I was on the interview panel for all postings. I served on  
3 the interview panel for the Oakland position with Larry Follis and Chad Skinner. Mr. Campbell  
4 was not offered the position because of his prior safety and rules violations and discipline record.

5 16. In response to the May 2004 posting, there were four candidates who had been  
6 recommended to the Department as qualified for hire for the Oakland positions. These  
7 individuals were: Brice Carroll, George Solimine, John Hansen, and Patrick Duncan (alternate).  
8 Mr. Solimine also applied for the San Jose posting. None of these individuals had a record of  
9 prior safety or rules violations or discipline. Therefore, Mssrs. Carroll, Hanson, and Duncan were  
10 chosen to undergo Engineer Training for Oakland, and Mr. Solimine was chosen for San Jose.  
11 Attached hereto as Exhibits F and G are true and correct copies of the disciplinary screening and  
12 selection recommendation for the Oakland positions.

13 Executed this 3<sup>rd</sup> day of April, 2007 in Oakland, California. I declare under penalty of  
14 perjury under the laws of California and the United States of America that the foregoing is true  
15 and correct.

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18 SUSAN VENTURELLI  
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# **EXHIBIT A**

NATIONAL RAILROAD PASSENGER CORPORATION  
60 Massachusetts Avenue, NE, Washington, DC 20002



January 1, 2006

EQUAL EMPLOYMENT OPPORTUNITY: IT'S YOUR JOB

Amtrak is committed to providing true equality for its employees and a work environment free of discrimination or harassment. Only in a professional, business atmosphere in which employees are treated with respect will we be able to provide our customers with the high quality of service they deserve. In order to meet these goals, the cooperation of every one of Amtrak's employees is needed. The message of inclusion and equal employment opportunity applies to all Amtrak employees and to all Amtrak operations, including the Company's commuter operations: Shoreline East; Maryland Rail Commuter; Virginia Railway Express; Peninsula; and Coaster.

Amtrak will not tolerate discrimination or harassment based on an individual's race, color, religion, sex, national origin, age, disability, sexual orientation, or veteran's status. Amtrak will administer its hiring, discipline, promotion, compensation, benefits, training and all other Company activities in compliance with this policy.

Likewise, no Amtrak employee should subject another employee or customer to discrimination or harassment of any sort. Racial, ethnic, religious, or sexual slurs have no place at Amtrak. This includes graffiti and printed material, as well as jokes and comments. Appropriate discipline – including termination when warranted – will be used to address any violations of this policy.

Managers and supervisors should consult the Human Resources Department or the Business Diversity Department's Dispute Resolution Office (DRO) if they have any questions or concerns about the administration of this policy. Employees who believe this policy has not been followed may seek assistance from their department managers or file a complaint with the Dispute Resolution Office.

A handwritten signature in black ink, appearing to read "David J. Hughes".

David J. Hughes  
*Acting President and Chief Executive Officer*

# **EXHIBIT B**



# STANDARDS OF EXCELLENCE

*An explanation of  
Amtrak's goals, values  
and expectations.*



NRPC 2525 (1/95)

## **TRUST AND HONESTY**

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Every productive employment relationship requires that the employee and his/her employer trust one another. So it is at Amtrak. When you become part of our company, we place our trust in you. In turn, you must conduct yourself honestly and in a way that reflects credit upon Amtrak.

*Because honesty is so important to trust and our ability to work together as a team, Amtrak has no tolerance for employees who are dishonest.*

Specifically, none of us has the right to use or take for our personal gain any funds, property or services belonging to the company, our coworkers or our customers. Remember that taking anything that is not yours, no matter how small the value, is stealing and, therefore, dishonest.

All of us have a stake in keeping our company financially viable. Our jobs depend on it! Therefore, we have a responsibility to use and account for Amtrak funds, property and services — including our rail travel privileges — with care and economy and to protect them from abuse. Damaging or wasting company property or the property of fellow workers harms us all and will not be tolerated.

Since all of us share this commitment to honesty, we expect you to report any behavior that is inconsistent with it.

## **DISCRIMINATION**

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Amtrak will continue to be a leader in providing equal opportunity for employees in a work environment free of discrimination and harassment. As a matter of policy, we manage this company and administer our programs without regard to race, color, religion, sex, national origin, age, disability, sexual orientation or veteran's status and in conformance with all applicable federal, state and local laws.

Therefore, we will not tolerate discrimination or harassment *of any kind* by our employees toward our customers or coworkers, including but not limited to racial, ethnic, religious or sexual slurs, whether written or spoken.

# **EXHIBIT C**

# STANDARDS OF EXCELLENCE

*An explanation of  
Amtrak's goals, values  
and expectations.*



NRPC 2525 (1/95)

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## LETTER FROM THE PRESIDENT

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November 1994

Dear Fellow Employee:

Despite all the changes going on at Amtrak, one thing remains constant: our continuing focus on improving service to our customers. Our corporate mission says it all: ***To consistently deliver a high-quality, safe, on-time rail passenger service that exceeds customer expectations.*** Part of delivering high-quality service is knowing what our jobs are and what is expected of us.

At today's Amtrak, we must focus not only on how we treat our customers, but also on how we treat each other. For that reason, I have supported an effort that began shortly after I joined the company last December — rewriting the *Rules of Conduct*. This task, undertaken by a group of employees, has recently resulted in a new document, *Amtrak Standards of Excellence*, that represents a giant leap forward from the old, essentially negative prohibitions ("thou shalt not"), to a more positive approach that fosters an environment of mutual respect and support.

Some employees may think that this is not the time to introduce these new Standards of Excellence, that we have many other things to focus on for now. Others may believe that an environment of mutual respect and support is difficult — if not virtually impossible — to achieve at Amtrak. However, if we are to accomplish the goals we have set for ourselves, this is the kind of environment that must exist, and our standards provide an excellent framework for today's Amtrak.

Beginning January 1, 1995, all Amtrak employees will be expected to ensure that their behavior is consistent with these standards. Accordingly, you should read the *Standards of Excellence* and sign a statement at the end of the booklet acknowledging you have received it and committing yourself to following its requirements. After you have signed it, please return the receipt to your supervisor.

Also included in the booklet is a pledge of support for Amtrak's mission, goals and corporate values. I am asking you to sign this statement, too, and keep it as a reminder of your commitment to teamwork and customer service.

Rather than setting forth "more rules to follow," the *Amtrak Standards of Excellence* is a tool for helping us develop the kind of professional, customer-service-attitude we will need to achieve our corporate mission. I'm depending on each of you to make this commitment a personal one.

Sincerely,

Thomas M. Downs  
President

*Standards of Excellence*

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## **KEY CORPORATE GOALS**

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Amtrak's six key corporate goals, listed below, guide our efforts  
as we work to achieve our mission:

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*Be recognized as the best passenger railroad in the world*

*Improve customer satisfaction*

*Foster employee involvement and commitment*

*Achieve safety excellence*

*Improve financial performance*

*Improve the quality of our products and services*

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## **AMTRAK VALUES**

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The following values are the foundation for the way we do business.

### **Customer Focus**

The customer is the key to our prosperity and survival, and in everything we do, we will continuously strive to understand and exceed our internal and external customers' needs.

### **Continuous Improvement**

The continuous improvement of the quality of our work processes is a never-ending journey.

### **Teamwork**

Employees working together to continuously improve the quality of service we provide to our customers will become a way of life. At the same time, individual initiative will be valued and recognized.

### **Employee Involvement**

We value and respect each others' contributions and will continuously strive to foster an environment which will encourage and support the personal growth and job satisfaction of us all.

### **Safety**

The safety of our passengers, our employees, the public, and our operating environment is our highest priority.

### **Integrity**

We will always tell the truth. We will comply with the spirit and letter of laws, practice high ethical standards of conduct, be socially and environmentally responsible and strive to earn and maintain the trust and respect of our employees and the public.

### **Employee Development**

We will continuously seek to provide the resources, equipment and training that will enhance our growth and provide better and continued job opportunities for our employees.

### **Innovation**

We will encourage and support innovative approaches to our work that satisfy our customers' needs, improve the various aspects of our operations, and enhance the lives of our co-workers.

### **Goodwill**

We value humor and perspective. They keep us in balance.

## **WHAT AMTRAK EXPECTS OF YOU**

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At Amtrak, we are proud of the contributions we make to the transportation industry and to the traveling public. Just as we have developed a mission, goals and values to guide us in our business, we have also developed standards of excellence, as explained in this booklet, to let everyone know what is expected of them. All employees — both agreement-covered and management, should be familiar with and follow these standards. Together with our corporate values, they help ensure mutual respect among Amtrak employees and fair and consistent treatment for all.

Please read this information carefully so you will understand what is expected of you. At the end of the booklet is a form for you to sign acknowledging that you have received a copy of the booklet. That form will be retained in your personnel file. The other form at the end of this booklet, which you keep, is equally important: It is a personal pledge of support for Amtrak's mission, to the safety of our operations, and to providing the best possible service to our customers.

In addition to these standards of excellence, rules specific to your job may also have been developed by your own department. You should ask your supervisor whether any such rules have been issued. If so, it is your responsibility to obtain and be governed by them.

*You should understand that failure to follow the standards of excellence outlined in this booklet — as well as the rules specific to your particular job — will result in appropriate corrective or disciplinary action up to and including dismissal.*

If you have any questions about the contents of this booklet, please see your supervisor or manager.



## **SAFETY**

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Amtrak's highest priority is the safety and well being of our employees and customers. Your help is essential to achieving that goal. You can begin by being sure that you understand and comply with all safety requirements related to your position. In many instances, it may be just a matter of using plain common sense.

Be aware of your work area and what you can do to ensure your own safety as well as the safety of others:

- Familiarize yourself with and obey safety guidelines pertinent to your department or craft. They contain wisdom gained from the experience of others who have come before you.
- Practice "good housekeeping" in your work area. Clean up spills, trash and other hazards as soon as they happen.
- Develop safe work habits and assist fellow employees in doing likewise. Report unsafe conditions to your immediate supervisor as quickly as possible. Alert fellow employees to any danger and, if necessary, take corrective action to prevent accidents or injuries.
- Use only company-approved or company-furnished tools and equipment. Safety glasses, aprons, gloves, hardhats, etc., are provided for your protection; use them when required.
- Firearms, explosives, knives or other weapons must not be in your possession unless authorized.
- Learn the emergency evacuation plan and security regulations in your area. Know how to protect yourself, your fellow workers and the public in the event of a fire, accident or natural disaster.
- Immediately report to your supervisor all injuries and illnesses that occur — to you, a fellow employee or the general public — while you are performing your duties or on Amtrak property.

To comply with legal obligations, Amtrak must be informed of injuries to **all** people that occur on Amtrak property. Although supervisors are responsible for the actual "reporting" of the event to Central Reporting, you must immediately report to someone in authority any job-related injuries or injuries that occur on Amtrak property to ensure that necessary medical attention is provided. Additionally, if you sustain off-duty injuries that may affect your ability to perform your duties safely, you must notify your supervisor.

*Working safely is required of all employees, regardless of position*

## **TRUST AND HONESTY**

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Every productive employment relationship requires that the employee and his/her employer trust one another. So it is at Amtrak. When you become part of our company, we place our trust in you. In turn, you must conduct yourself honestly and in a way that reflects credit upon Amtrak.

*Because honesty is so important to trust and our ability to work together as a team, Amtrak has no tolerance for employees who are dishonest.*

Specifically, none of us has the right to use or take for our personal gain any funds, property or services belonging to the company, our coworkers or our customers. Remember that taking anything that is not yours, no matter how small the value, is stealing and, therefore, dishonest.

All of us have a stake in keeping our company financially viable. Our jobs depend on it! Therefore, we have a responsibility to use and account for Amtrak funds, property and services — including our rail travel privileges — with care and economy and to protect them from abuse. Damaging or wasting company property or the property of fellow workers harms us all and will not be tolerated.

Since all of us share this commitment to honesty, we expect you to report any behavior that is inconsistent with it.

## **DISCRIMINATION**

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Amtrak will continue to be a leader in providing equal opportunity for employees in a work environment free of discrimination and harassment. As a matter of policy, we manage this company and administer our programs without regard to race, color, religion, sex, national origin, age, disability, sexual orientation or veteran's status and in conformance with all applicable federal, state and local laws.

Therefore, we will not tolerate discrimination or harassment *of any kind* by our employees toward our customers or coworkers, including but not limited to racial, ethnic, religious or sexual slurs, whether written or spoken.

## **ATTENDING TO DUTIES**

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Amtrak's success depends on using all available resources in the most efficient and productive way possible. As an Amtrak employee and, therefore, the company's most important resource, you have an obligation to perform your duties properly and in accordance with the standards set for your particular job. This requires that you remain alert to your duties at all times. Any activity or behavior that distracts or prevents you or others from attending to duties is unacceptable.

It is also important for all of us to report to work on time and perform our duties during our assigned hours. If you know you are going to be late for work, or if you are going to be absent altogether, inform your supervisor as much ahead of time as possible. Furthermore, some departments have established attendance requirements that apply specifically to employees at certain locations or in certain jobs. Be sure to ask your supervisor whether any such requirements apply to you.

## **COMMUNICATIONS AND INFORMATION**

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Our communication systems are a vital link to our customers and coworkers, and we need you to do your part in keeping them open and accessible. They should be used for company business only, except in the case of an emergency.

It is most important that you provide the company an effective means of contacting you while you are away from work. Therefore, it is your responsibility to notify Amtrak's Personnel Department promptly of any change in your mailing address, telephone number or other means of contact.

At some point in your Amtrak career, you may have reason to work with information that is sensitive or confidential. Examples of such sensitive information would include information that could cause Amtrak financial loss, disruption of business, public embarrassment, or the loss of an employee's privacy. Should you find yourself in this situation, it is essential that you make a special effort to protect this confidential information from disclosure to individuals lacking authorization to know it.

## **PROFESSIONAL AND PERSONAL CONDUCT**

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Projecting a professional image is important in a customer-service business like ours. We make an impression by the way we look, the way we act and the way we treat our customers and each other.

### **Teamwork**

Being polite to each other is one of the basics of teamwork, so it is important that we all are considerate and respectful of each other. Part of teamwork is properly performing your duties. Another part is following instructions. Therefore, you must comply with all company and departmental policies, procedures and rules as well as all instructions, directions and orders from supervisors and managers.

The only exception to the above requirement arises when compliance with a particular instruction would cause a clear, immediate danger to you, your fellow employees, our customers, the public or company property.

### **Conduct**

On the Amtrak team, there is no place for activities or behaviors that compromise the safety, satisfaction and well-being of our customers, the public or our fellow employees. Therefore, boisterous conduct such as fighting, rudeness, assault, intimidation, horseplay and using profane or vulgar language is unacceptable. It is important to remain calm and be courteous to all customers, even those who may be difficult at times.

### **Conduct while on business or personal travel**

While on Amtrak business or personal travel using our rail travel privileges, it is important to make a good impression on our fellow travelers. After all, you are a representative of Amtrak. You and members of your family traveling on a free or reduced-rate basis should act and dress in a manner that will not be objectionable to other passengers. You should also be careful not to hinder other Amtrak employees from properly performing their duties.

### **Appearance**

For those employees who serve customers directly, the way we look identifies us to them. We want them to know who we are and feel comfortable approaching us for help. We must be neat and clean in our appearance, following the dress and grooming standards established for our own work areas or departments.

### **Gratuities**

At Amtrak, we provide professional-quality service without expecting gratuities. Employees must never ask for — or solicit in any way — any type of tip or gratuity from customers or vendors.

### **Use of Tobacco**

In consideration of the health and comfort of our customers and employees, Amtrak supports a smoke-free environment. This means smoking is not permitted inside most Amtrak facilities — for example, in our offices, shops, vehicles, certain stations and aboard certain trains. Employees should be guided by specific local or departmental policies on the subject.

*If you smoke and would like to "kick the habit," help is available. Call your Employee Assistance Program (EAP) office, nearest Amtrak Nurse's office or local Personnel office to obtain information on smoking cessation programs.*

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## **ALCOHOL AND DRUGS**

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By its very nature, railroading is a constantly demanding and sometimes dangerous industry. Employees with alcohol or drugs in their systems can undermine workplace productivity and pose an unacceptable risk to the safety of passengers, fellow workers and themselves.

As a result, Amtrak's policy on alcohol and drugs is very strict: *While on Amtrak property, employees must be drug- and alcohol-free. Both the use and possession of these substances are inconsistent with this policy.*

An exception to this requirement may arise when a physician has prescribed medication for an employee's use. To comply with Amtrak's policy, the medication must be taken in accordance with the physician's instructions and must not interfere with the safe performance of the employee's job. Because even over-the-counter medications (antihistamines, cough medicines, pain killers, etc.) may affect fitness for work, employees should check with their physicians to determine effects on their alertness, coordination and reactions.

*In any case, you must notify your supervisor if you are taking medication — either prescribed or over-the-counter — that could interfere with the safe performance of your job.*

You should understand that we enforce this policy through both drug and alcohol testing. More information on testing can be found in Amtrak's Drug and Alcohol Policy, a copy of which can be obtained from your local Personnel office.

*If you think you may have a problem with alcohol or drugs and would like help, call your Employee Assistance Program (EAP) office, Division Nurse's office, local Personnel office, or local RedBlock representative for assistance.*

*Standards of Excellence*

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## **PLEDGE OF SUPPORT**

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As an Amtrak employee, I will become familiar with and support our company's mission, goals and corporate values.

I pledge to serve my customers' needs courteously and professionally, conforming to the company's standards of excellence at all times.

I further pledge to maintain safety in all operations, knowing that the safety of our passengers, our employees, the public, and our operating environment is our highest priority.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Keep this form for your own personal records.*

*Standards of Excellence*

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**ACKNOWLEDGEMENT OF RECEIPT OF AMTRAK  
STANDARDS OF EXCELLENCE**

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I have received a copy of the booklet entitled "Amtrak Standards of Excellence." I understand that I should read the booklet carefully and that I will be expected to follow the standards of excellence outlined in it. I understand that failure to follow these standards will result in appropriate corrective or disciplinary action.

Employee Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Company Representative: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

*Please detach this form and give to company representative for your employee file.*

*Standards of Excellence*

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**Amtrak**  
**Reprographic Services**  
960 "V" Street, N.E.  
Washington, D.C. 20018

D11395



# **EXHIBIT D**

personnel records and other employment data, interviews with supervisors and co-workers, and a review of any relevant personnel/labor relations policies and procedures.

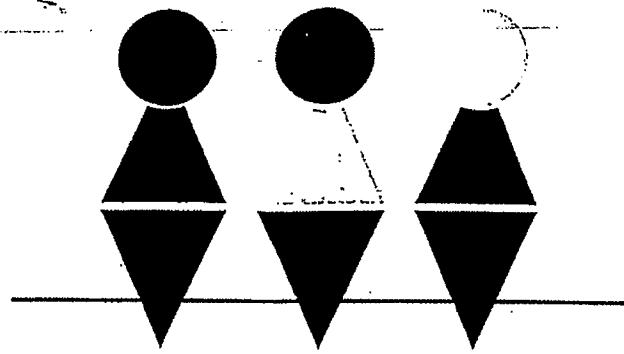
3. All materials pertaining to the investigation of a complaint will be maintained within the EEO office in a special limited-access file and not within your personnel file.
4. The EEO office will keep complaints confidential to the maximum extent possible. However, it should be understood that thorough investigation of a complaint will generally require the investigator to discuss the issues under investigation with individuals who might have knowledge about them.
5. Corrective action will be taken when the facts indicate that it is appropriate.
6. You will be notified of the results of the completed investigation.
7. Your complaint will be resolved as quickly as possible. Every effort will be made to reach a determination within four months from the date on which the complaint was filed.

After a determination has been made, complaints will not be reinvestigated unless significant additional facts are demonstrated that change the nature of the complaint.

The Company prohibits any coercion, interference, intimidation, or reprisal against you (or any employee who assists you) for pursuing your complaint. If you feel such retaliatory action is being taken, you should contact the EEO Investigations Office immediately.

EEO Representatives may be found at the following locations and contacted at the numbers below:

Chicago	210 S. Canal Street Room 794 Chicago, IL 60606	(312) 655-2244 (ATS) 821-2244
Los Angeles	800 N. Alameda Street Los Angeles, CA 90012	(213) 891-3590 (ATS) 761-3590
New York	400 W. 31st Street, 4th Floor New York, NY 10001	(212) 630-7404 (ATS) 521-7404
Philadelphia	30th Street Station, 2nd Floor Philadelphia, PA 19104	(215) 349-1493 (ATS) 728-1493
Washington	60 Massachusetts Ave., N.E. 3rd Floor Washington, D.C. 20002	(202) 906-3835 (ATS) 777-3835



EEO

INTERNAL

COMPLAINT

PROCEDURES

H A N D B O O K



APRIL 1994

## INTRODUCTION

Amtrak is committed to ensuring that all employment decisions are based solely on job-related factors. To address any possible bias in employment decisions and to provide employees with an internal channel to resolve grievances, Equal Employment Opportunity ("EEO") Investigations Offices have been established throughout our system, each staffed by an EEO Representative. One of the most important programs administered by these Representatives is the Equal Employment Opportunity Internal Complaint Procedure.

Despite Amtrak's clearly stated policy of non-discrimination, the Company realizes that you, the employee, may encounter situations in which you feel you have experienced discrimination. Discrimination is considered to be unequal treatment because of race, color, religion, sex (including sexual harassment and pregnancy), national origin, age, disability, status as a disabled veteran or veteran of the Vietnam era or other factors covered by applicable federal, state or local laws. The Internal Complaint Procedure provides a means for employees to raise issues of discrimination for quick resolution within the Corporation. Of course, you are always encouraged to attempt to resolve complaints informally within the authorized supervisory chain-of-command, if at all possible, before filing a formal written complaint under this procedure.

This brochure explains the WHAT, WHO, WHERE, WHY, and HOW of the Internal Complaint Procedure.

## WHAT IS THE PURPOSE OF THE INTERNAL COMPLAINT PROCEDURE?

The primary purpose of the Internal Complaint Procedure is to provide employees with a vehicle for voicing and expeditiously resolving any claim that they have been treated unequally in their employment because of their race, color, religion, sex (including sexual harassment and pregnancy), national origin, age, disability, or status as a disabled veteran or a veteran of the Vietnam era or other factors covered by applicable state or local laws. This procedure is designed to address only problems of an EEO nature and is not intended to handle labor grievances or personnel practice complaints. Those types of complaints should be directed to the Labor Relations or Personnel Departments.

## WHO MAY FILE AN INTERNAL COMPLAINT?

Any Amtrak employee or former employee may file an Internal Complaint.

## WHERE TO FILE AN INTERNAL COMPLAINT

An Internal Complaint should be filed with the EEO Investigations Office. If the nearest EEO office is not near your work location, you may file a complaint at the nearest Personnel office, or you may call the EEO office and ask for a complaint form to be sent to your home.

## WHEN TO FILE AN INTERNAL COMPLAINT

You should file your Internal Complaint as soon as possible after you believe you have been discriminated against. However, only complaints which are filed within a year of the alleged discriminatory action will be accepted.

You are reminded that filing an Internal Complaint is not intended to, nor will it satisfy, the time limitations within which you must file complaints of discrimination with outside agencies.

## HOW DOES THE INTERNAL COMPLAINT PROCEDURE WORK?

When you first contact the EEO Investigations Unit, the representative will help you define your complaint and consider it from an objective viewpoint, to determine whether it is one that potentially involves discrimination. If it does not, the Representative will discuss with you why the complaint is not an appropriate one for the EEO Office and suggest ways in which it might be resolved. If the complaint has any potential EEO implications, the following procedure will be used:

1. If you have not already done so, you will be asked to provide a written complaint, setting forth the facts that support your claim of discrimination. You will then receive a letter acknowledging receipt of your complaint and telling you who will investigate it.
2. The EEO Representative will investigate the allegations contained in the written complaint. This investigation may include, but is not limited to, a review of relevant

## Dispute Resolution Office

Who We Are and What We Do



## How to Reach Us

### Chicago, IL Office:

- National Railroad Passenger Corporation  
Business Diversity Department  
Dispute Resolution Office  
210 South Canal Street  
Chicago, IL 60606

### Los Angeles, CA Office:

- National Railroad Passenger Corporation  
Business Diversity Department  
Dispute Resolution Office  
810 North Alameda Street  
Los Angeles, CA 90012

### New York, NY Office:

- National Railroad Passenger Corporation  
Business Diversity Department  
Dispute Resolution Office  
360 West 31st Street, 4th Floor  
New York, NY 10001

### Philadelphia, PA Office:

- National Railroad Passenger Corporation  
Business Diversity Department  
Dispute Resolution Office  
2005 Market Street, 5th Floor, Suite 510, Box 19  
Philadelphia, PA 19103

### Washington, DC Office:

- National Railroad Passenger Corporation  
Business Diversity Department  
Dispute Resolution Office  
60 Massachusetts Avenue, NE  
Washington, DC 20002

### Call toll-free:

**1-877-351-8338**

**If you believe that you have been discriminated against, harassed, or retaliated against...**

you have the right to file a complaint with the federal Equal Employment Opportunity Commission (EEOC) and/or a state or local fair employment practices agency even if you file a complaint with the Amtrak Dispute Resolution Office. There are various federal laws (such as Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act of 1967) which prohibit employment discrimination. In addition, many states and local jurisdictions have anti-discrimination laws. A person claiming discrimination must file a complaint with the EEOC within certain time limits. Generally, a complaint must be filed with the EEOC within 180 days after the alleged discriminatory conduct occurred. However, in states where there are state/local agencies with authority to deal with discrimination complaints, complaints must be filed with the EEOC within 300 days after the alleged discriminatory conduct occurred. In order for a complaint to be timely filed with the EEOC, these time limits must be met even if an employee files a complaint with the Amtrak Dispute Resolution Office.

Amtrak policy prohibits retaliation against any employee who reports or files a discrimination or harassment complaint, or who participates in or cooperates with an investigation into such allegations. Any employee who believes that he or she has been subjected to retaliation should immediately contact the Dispute Resolution Office.

AMTRAK is a registered service mark of the National Railroad Passenger Corporation.

## The Dispute Resolution Office

### The Dispute Resolution Office is:

- A unit of the Amtrak® Business Diversity and Strategic Initiatives Department
- A neutral evaluator of workplace issues and disputes
- Responsible for addressing and resolving internal complaints of discrimination, harassment (including sexual harassment), retaliation, and unfair treatment on the basis of one's race, sex, color, religion, national origin, age, disability, veteran status, sexual orientation or other protected group status



- Authorized and committed to taking appropriate corrective action (including disciplinary action up to and including termination) where misconduct and/or violation of company policy are found

*Dispute Resolution Offices are located in Chicago, IL; Los Angeles, CA; New York, NY; Philadelphia, PA; and Washington, DC.*

## How You Can File a Complaint

### You may file a complaint if:

- You are a current, former, or retired Amtrak employee
- You applied for an Amtrak position
- The complaint is filed with the Dispute Resolution Office within one year of the date of the alleged discrimination or within one year of the time at which you learned of the alleged discrimination

*Even if you file an internal complaint with the Dispute Resolution Office, you still have the right to file a complaint with federal, state, and/or local government agencies authorized to handle discrimination complaints.*

### Complaints may be filed by:

Visiting the nearest Dispute Resolution Office in person and completing a formal complaint form

Telephone or e-mail

Writing the Dispute Resolution Office or submitting correspondence alleging discrimination through the Amtrak Employee Comment Program



## How the Process Works

*Amtrak takes discrimination complaints very seriously. Therefore, complaints filed with the Dispute Resolution Office will be addressed and resolved as promptly as practicable.*

### Once a complaint is filed:

- You will receive written confirmation of your complaint
- Your complaint will be evaluated by the Dispute Resolution Office to determine whether the complaint is timely filed, whether the complaint concerns matters handled by the Dispute Resolution Office, and the most appropriate manner in which to resolve the complaint

- Whenever possible, the Dispute Resolution Office will attempt to resolve your complaint by using alternative dispute resolution methods such as mediation, facilitated open dialogue, and neutral intervention within 30 days of the date that your complaint was filed
- Where the use of early resolution methods is not appropriate (such as where sexual harassment or retaliation is alleged) or where the early resolution attempt is unsuccessful, the Dispute Resolution Office will conduct a thorough fact-finding investigation. This investigation will be completed within 90 days of the date your complaint was filed
- At the conclusion of an investigation or successful early resolution attempt, the Dispute Resolution Office will notify you in writing of the results

# **EXHIBIT E**

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Equal Opportunity/Affirmative Action	Business Diversity	August 9, 2005	5.1.0

## 1.0 RESPONSIBILITY

Vice President - Business Diversity and Strategic Initiatives

## 2.0 PURPOSE

To affirm the Company's commitment to equal opportunity for all persons regardless of race, color, religion, sex/gender, national origin, age, disability, sexual orientation, or status as a disabled veteran or veteran of the Vietnam Era, and other protected status.

## 3.0 GENERAL

- 3.1 Amtrak is strongly committed to recruiting, hiring, training, promoting, and retaining in all job titles, the best qualified candidates without regard to race, color, religion, sex/gender national origin, age disability, sexual orientation, or status as a disabled veteran or veteran of the Vietnam Era or other protected status. Gender may be considered in the rare event that it is a bona fide occupational qualification. This commitment is based not only on Amtrak's obligation to comply with Equal Employment Opportunity laws, but also on its firm belief that the Company benefits from a diverse workforce where persons of various backgrounds contribute to the success of the Company.
- 3.2 Managers and supervisors play a key role in ensuring that all personnel actions such as hiring, compensation, benefits, layoffs, return from layoffs, Company-sponsored training, educational tuition assistance, and social and recreational programs, are administered without regard to race, color, religion national origin, sex/gender, age, disability, or status as a disabled veteran or a veteran of the Vietnam Era or other protected status. As part of this role, managers and supervisors are expected to assist the Company periodically in developing and revising the Company's affirmative action plans by partnering with the Business Diversity Department to identify areas where the Company can improve its affirmative action efforts, and to help the Company establish reasonable and achievable goals. In addition, managers are responsible for making themselves aware of the Company's established goals and striving to meet those goals.
- 3.3 Managers and supervisors are expected to be aware and comply with the Company's policies prohibiting discrimination and harassment. Therefore, the work performance of managers and supervisors will include evaluation of their equal employment opportunity efforts and results, among other criteria. Consequently, managers and supervisors should impress upon new employees the importance of the Company's Equal Employment Opportunity (EEO) and Affirmative Action policies and should actively support the Company's goals for hiring and promotion of women and minorities.

APPROVED	REVISION NO.	SUPERSEDES	PAGE
David L. Gunn President and Chief Executive Officer	New	DIV-1	1 of 2

<b>SUBJECT</b>	<b>CLASSIFICATION</b>	<b>DATE APPROVED</b>	<b>P/I NUMBER</b>
Equal Opportunity/Affirmative Action	Business Diversity	August 9, 2005	5.1.0

#### 4.0 SCOPE

- 4.1 This policy applies to all employees and contract personnel.
- 4.2 All personnel should be aware of the following Amtrak policies that have direct applicability to this policy:
- Anti-Discrimination and Anti-Harassment - DIV-2  
Employment, Promotion & Transfer - PERS-4

<b>APPROVED</b>	<b>REVISION NO.</b>	<b>SUPERSEDES</b>	<b>PAGE</b>
David L. Gunn President and Chief Executive Officer	New	DIV-1	2 of 2



# **EXHIBIT F**

**Venturelli, Susan**

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**From:** Klaas, Jane  
**Sent:** Monday, July 12, 2004 12:49 PM  
**To:** Venturelli, Susan  
**Cc:** Preusser, Patrick  
**Subject:** Discipline Record



CAMPBELL J.rtf



GALLO D.rtf



LY T.rtf



YACOVETTI M.rtf

I found no discipline records for:

Carroll, Brice  
Solimine, George  
Snyder, Heidi  
Duvall, Wesley  
Duncan, Patrick  
Flippo, Tim

*Per phone call no discipline -*

*Kyser, James -*

*Hansen, John -*

# **EXHIBIT G**

Venturelli, Susan

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**From:** Venturelli, Susan  
**Sent:** Monday, July 12, 2004 5:52 PM  
**To:** Duffy, Tim; Hanna, Barbara; Preusser, Patrick; Collins, Mark  
**Subject:** FW: Engineer Selections

-----Original Message-----

**From:** Venturelli, Susan  
**Sent:** Monday, July 12, 2004 5:36 PM  
**To:** Preusser, Patrick  
**Subject:** Engineer Selections

Oakland (3 positions)

~~Debrice Carroll~~ *DUV* *3/12/04*

~~George Somme~~ *DUV*

~~John Hansen~~ *DUV* *3/12/04*

Alternate: ~~Patrick Duncan~~ *DUV* *3/12/04*

Sacramento (4 positions)

~~Michael Yacovetti~~ *DUV* *3/12/04*

~~Heidi Snyder~~ *DUV*

~~Wesley Drivall~~ *DUV* *3/12/04*

~~Thanh~~ Pending determination as to whether the 2 FRA reportables were safety violations--no discipline re the FRA reportables) Thanh also had a rule violation in 2001 which we discussed with J. Deely who deemed it not serious enough for disqualification. *not safety violations.*

Alternate: ~~Patrick Duncan~~ *DUV* *3/12/04*

San Jose (2 positions)

~~Debrice Gallo~~ (Rule violation of 4/03 was discussed with M. Collins who agreed it was not serious enough for disqualification) *DUV* *3/12/04* *Overruled by J. Commer, J. Deally*

~~Timothy Flippo~~ *DUV* *3/12/04*

Alternate: ~~[redacted]~~ *DUV* *3/12/04*